

AMENDED IN ASSEMBLY JANUARY 5, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 955**

**Introduced by Assembly Member Wiggins Members Wiggins and  
Steinberg**

February 20, 2003

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~~An act to amend Section 68101 of the Government Code, relating to courts.~~ *An act to amend Section 65352 of the Government Code, relating to land use.*

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as amended, Wiggins. ~~Courts: fines and forfeitures~~  
*General plans: amendment.*

*The Planning and Zoning Law requires the planning agency prior to action by a legislative body of a city or county to adopt or substantially amend a general plan, to refer the proposed action to specified entities, including, among other entities, any elementary, high school, or unified school district within the area covered by the proposed action and any areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.*

*This bill would clarify that the referral to any elementary, high school, or unified school district within the area covered by the proposed action would be for the purpose of fostering improved communication and coordination, as specified, related to planning for school siting.*

*The bill would also make a technical change.*

~~Existing law sets forth provisions governing forfeited bail or fines received by a judge. Existing law requires a judge imposing or~~

collecting those fines or forfeitures to keep a copy of them and at least monthly to transmit a record to the county auditor, as specified.

~~This bill would require the judge to certify the accuracy of the records of fines and forfeitures collected by the court, as specified. The bill would also require the county auditor to only certify the accuracy of those fines or forfeitures imposed or collected by county operated entities. By requiring the county auditor to certify those records, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1.—Section 68101 of the Government Code is~~
- 2    *SECTION 1. Section 65352 of the Government Code is*
- 3    *amended to read:*
- 4    65352. (a) Prior to action by a legislative body to adopt or
- 5    substantially amend a general plan, the planning agency shall refer
- 6    the proposed action to all of the following entities:
- 7    (1) Any city or county, within or abutting the area covered by
- 8    the proposal, and any special district that may be significantly
- 9    affected by the proposed action, as determined by the planning
- 10    agency.
- 11    (2) Any elementary, high school, or unified school district
- 12    within the area covered by the proposed action *in order to foster*
- 13    *improved communication and coordination between local*
- 14    *planning agencies and school districts related to planning for*
- 15    *school siting, including through the coordination process*
- 16    *described in Section 65352.2.*

(3) The local agency formation commission.

(4) Any areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) Any federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

(6) Any public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(7) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

~~amended to read:~~

~~68101.—Whenever the state is entitled to receive any portion of any money, forfeited bail or fines received by a judge of any court, that portion shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which that court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of the court, at least once a month to the Treasurer to be deposited in the State Treasury. Any remittance not made pursuant to this section or Section 24353 shall be considered delinquent and subject to Section 68085.~~

~~Any judge imposing or collecting those fines or forfeitures shall keep a record of them and, at least monthly, transmit a record and certify the accuracy thereof to the county auditor. The court shall~~

1 ~~only certify the accuracy of those fines or forfeitures collected by~~  
2 ~~the court. The county auditor shall transmit a record of the~~  
3 ~~imposition, collection and payment of those fines or forfeitures to~~  
4 ~~the Controller at the time of transmittal of each warrant to the~~  
5 ~~Treasurer pursuant to this section. The county auditor shall only~~  
6 ~~certify the accuracy of those fines or forfeitures imposed or~~  
7 ~~collected by county operated entities.~~

8 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~  
9 ~~Code, if the Commission on State Mandates determines that this~~  
10 ~~act contains costs mandated by the state, reimbursement to local~~  
11 ~~agencies and school districts for those costs shall be made pursuant~~  
12 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
13 ~~2 of the Government Code. If the statewide cost of the claim for~~  
14 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
15 ~~reimbursement shall be made from the State Mandates Claims~~  
16 ~~Fund.~~

